IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2694 of 2007

CRIME NO.2/05 OF NEELISHWAR EXCISE RANGE
CP.28/2007 of J.M.F.C.-II,HOSDRUG

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PETITIONER/ACCUSED:

P.BABY, AGE 47,
W/O.GOPALAN, MOOLAKOTH,
ACHIKANAM, AMBALATHARA VILLAGE,
HOSDURG TALUK, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REP. BY INSPECTOR OF POLICE,
NELISHWAR EXCISE RANGE,
REP. BY THE PUBLIC
PROSECUTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2694 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.2/05 of Neelishwar Excise Range, registered for offence punishable under Section 55(a) of the Abkari Act, consequent on detection of possession by him of 2.700 litres of arrack at 4.45 p.m. on 17.1.2005. The investigation in the case is already over and the case is now pending before the Judicial First Class Magistrate's Court-II, Hosdurg as C.P.No.28/07. The fact remains that the petitioners could avoid apprehension till now. In the circumstances, I am of the view that the petitioners can be granted anticipatory bail, imposing stringent conditions only.

In the result, I allow this bail application and direct that:

(i) the petitioner do surrender before the learned Magistrate concerned positively within fifteen days from today;

(ii) that on such surrender and on his depositing, by way of cash security, an amount of Rupees ten thousand and executing bail bond for Rupees twenty thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioner shall be enlarged on bail;

(iii) that on such release the petitioner shall invariably appear in the court below on all posting dates of the case and any failure on his part to comply with the above direction, shall entail forfeiture of the cash security that may be deposited by him in the court below and the learned Magistrate shall be entitled to proceed against the

petitioner and his sureties under Section 446 of the Cr.P.C.

4th May, 2007 (K.P.Balachandran, Judge)

tkv